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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,918	09/29/2003	Robert Bruce Blair	CHUAH 76-11 (LCNT/126067)	2089
59906	7590	03/09/2006	EXAMINER	
PATTERSON & SHERIDAN, LLP TVWORKS, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			HUYNH, THU V	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/675,918	Applicant(s) BLAIR ET AL.	
	Examiner Thu V. Huynh	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: Response to Restriction filed on 12/01/05 to application filed on 09/29/03, which has the benefit of prior provisional filed on 09/27/02.
2. Claims 1-14 are pending in the case. Claims 1-11 and 14 are elected for examination.

### ***Election/Restrictions***

3. Applicant's election with traverse of claims 1-11 and 14 in the reply filed on 12/01/05 is acknowledged. The traversal is on the ground(s) that “[c]laim 1 is directed to “a method of propagating presentation code to a client, [said client] using a constrained function presentation engine ...” Claim 12 is directed to a “constrained function presentation engine ...” It is respectfully submitted that the nexus between the two claims of a “constrained function presentation engine” is sufficiently similar that an undue burden is not placed upon the examiner in performing a search respect to these inventions”.

This is not found persuasive because: although both preamble’s claims 1 and 12 have “constrained function presentation engine”, however, claim 1 is directly to transmit a presentation code for use by client’s constrained function presentation engine by modifying format of the presentation code, and claim 12 is directly defining a constrained presentation engine.

In claim 1, the presentation code is modified and transformed into a binary file to be used by client’s constrained function, which is classified in 715/522 (Format information). In claim 12, the constrained function presentation engine is defined as a non-validating parser for

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extracting presentation code to provide a tree nodes and layout engine for processing the tree of nodes to generating a set of display objects, which is classified in 715/514 (hierarchical control).

The limitations claim 1 are totally different the limitations of claim 12. Therefore examination claim 1 together with claim 12 causes a serious burden for examiner. Because these inventions are distinct for the reasons given above, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-11 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding independent claims 1 and 14. Claims 1 and 14 recite the limitation of “said propagated binary file”. There is insufficient antecedent basis for this limitation in the claim.

Dependent claims 2-11 are rejected for fully incorporating the dependencies of its base claim.

Examiner assumes that “a propagated binary file” is used instead of “said propagated binary file” for examination.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**7. Claims 1, 3-11 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**Regarding claims 1, 3-11 and 14,** these claims recite abstract ideas only with no practical application. These claims do not result in a physical transformation or a useful, concrete and tangible result. Although the preamble of these claims are for propagating presentation code to client, however, “said propagated binary file” in these claims do not need to be generated and transmitted to the client from the resolved style information. It is noted that claim 2 is the evidence of practical application of abstract ideas recited in these claims, since claim 2 recites “compressing said presentation code including resolved style information to provide a binary file and propagating said binary file toward said client”.

**Regarding claim 14,** claim 14 is for a signal bearing medium encoded with representation of software instructions do not fall within categories of patentable subject matter set forth in § 101. The limitations of “A signal bearing medium including a representation of software instructions which, when executed by a processor, perform a method of ...” indicates that the signal bearing medium is a form of energy which is not limited to embodiments which fall within a statutory category of invention and are interrelated with the code/instructions in such a manner as to enable their functionality to be realized.

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 1-8, 10-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macfarlane et al., US 2001/0042081 A1, filed 04/08/99 in view of Burkett et al., US 6,671,853 B1, filed 07/15/99.**

**Regarding independent claim 1**, Macfarlane teaches propagating presentation code to a client, said client using a constrained function presentation engine (Macfarlane, [0020], [0032], [0052]), said method comprising the steps of:

- identifying a style information within a presentation code (Macfarlane,[0020], [0022], [0023], [0032]; identifying a style information in HTML or XML markup language document to remove unused ones); and
- resolving said style information to subset of style information adapted for use by said constrained function presentation engine, said resolved style information within a propagated file (Macfarlane, [0055], [0093], removing style information that is not supported by the user device in the to provide a pared HTML or XML markup language document, and transmitting the pared HTML or XML markup language document to the user device transmission cost and transmission delay are reduced).

However, Macfarlane does not explicitly disclose propagated binary file being adapted to enable client manipulation.

Burkett teaches converting an XML document into binary file being adapted to enable client manipulation (Burkett, col.2, lines 36-41; col.3, lines 1-9 and 24-35; col.7, lines 42-43; sever pre-parses XML document into DOM tree and this DOM tree is streamed into binary file so that information represented therein to be very quickly upon a subsequence access. The user is able to unstream or deserialize the binary file into DOM tree).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Burkett's teaching and Macfarlane's teaching to stream the pared XML markup language document into a binary file, since the combination would have provided information quickly upon a subsequence access as Burkett's disclosed.

**Regarding claim 2**, which is dependent on claim 1, Burkett teaches compressing said presentation code including resolved style information to provide a binary file; and propagating said binary file toward said client (Burkett, col.3, lines 1-5 and col.8, lines 8-12; streamed file is transmitted from server to client).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Burkett's teaching and Macfarlane's teaching to stream the pared XML markup language document into a binary file, since the combination would have provided information quickly upon a subsequence access as Burkett's disclosed.

**Regarding claim 3**, which is dependent on claim 1, Macfarlane teaches said presentation code is substantially compliant with an HTML/CSS system (Macfarlane, [0022]; markup language is HTML).

**Regarding claim 4**, which is dependent on claim 3, Macfarlane teaches said presentation code comprises at least one of in-line XML styles and CSS style sheet (Macfarlane, [0023], [0032], [0105]; removing style attribute markup, wherein markup is XML).

**Regarding claim 5**, which is dependent on claim 1, Burkett teaches translating said binary file into a document tree containing a plurality of nodes, each of said nodes comprising at least one user manipulable property (Burkett, col.2, lines 13-52; col.3, lines 30-35 and 54-58; de-serializing the binary file into DOM tree for operation, such as modifying, changing, deleting or/and adding node(s)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Burkett's teaching and Macfarlane's teaching to de-serialize the binary file into DOM tree, since the combination would have allowed the user to manipulate elements in the DOM tree to modify information represented in the binary stream as Burkett disclosed in col.3, lines 54-58.

**Regarding claim 6**, which is dependent on claim 1, Burkett teaches validating said presentation code and resolved style information to enable non-validating parsing at said client (Burkett, col.3, lines 28-35; pre-parsing the XML markup language document).



**Regarding claim 7**, which is dependent on claim 1, Macfarlane teaches adapting the style resolving process in response to an indicium of capability of a client (Macfarlane, [0055], [0058], [0093]; client's application or device type).

**Regarding claim 8**, which is dependent on claim 7, Macfarlane teaches said indicium comprises a control signal received from the client (Macfarlane, [0057], [0097], [0098]; user application or device type is received from user request, when user logs on or inferred by the application).

**Regarding claim 10**, which is dependent on claim 1, Macfarlane teaches said resolving said style information comprises at least one of reducing the number of style properties, deleting style rules and simplifying style dependencies (Macfarlane, [0032], [0093]; removing unused ones of style attributes).

**Regarding claim 11**, which is dependent on claim 1, referring to the rationale relied to reject claim 1, the limitation of "compressing common resolved styles" is included, since tags have color attribute are removed (Burkett, col.3, lines 1-5) and are streamed into the binary file. The rationale is incorporated herein.

**Independent claim 14** is for a computer readable medium including instructions to perform the method of claim 1 and is rejected under the same rationale.

10. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macfarlane in view of Burkett as applied to claim 1 and further in view of Hill et al., US 6,023,714, filed 04/97.**

**Regarding claim 9**, which is dependent on claim 1, Macfarlane teach said presentation code comprises a markup file and style information (Macfarlane, [0021], [0032], [0093]).

However, Macfarlane does not explicitly teach style information is CSS style sheets.

Hill teaches presentation code comprises a markup file and associated CSS style sheets (Hill, col.7, lines 2-35; CSS style sheet for an HTML document include style definition which define values for properties associated with HTML tags).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hill's teaching and Macfarlane's teaching to include presentation code comprises CSS style sheets, since the combination would have provided different ways to format an HTML document as well as pared a markup language document that is style by HTML markup attributes and/or CSS style sheets for specific browsers or devices before transmitting to the user.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cseri et al., Us 2003/0046317 A1, filed 04/01, teaches method for providing an XML binary format.

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Girardot et al., US 2003/0023628 A1, filed 04/01, teaches efficient RPC mechanism using XML.

Wu et al., US 2005/0193372 A1, filed 07/99, teaches system and process for object rendering on thin client platform.

Lahteenmarki, US 2003/0028805 A1, filed 08/01, teaches method for managing network service access and enrolment.

Ichimura et al., US 6,580,438 B1, filed 11/99, teaches method for maintaining uniformity in a presentation environment.

Boag et al., US 6,589,291 B1, filed 04/99, teaches dynamically determining the most appropriate location for style sheet application.

David Flanagan, "JavaScript: The Definitive Guide", pages 1-6, published 12/03/01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V. Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thu V. Huynh', with a long horizontal flourish extending to the left.

Thu V. Huynh  
February 21, 2006